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## STATE OF COLORADO

## PUBLIC UTILITIES COMMISSION

## Department of Regulatory Agencies

Raymond L. Gifford, Chairman  
Robert J. Hix, Commissioner  
Polly Page, Commissioner  
Bruce N. Smith, Director

M. Michael Cooke  
Executive Director



Bill Owens  
Governor

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Federal Communications Commission  
Office of Secretary

November 8, 2000

Ms. Magalie Roman Salas  
FCC Secretary  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order on Reconsideration* in CC Docket N. 94-129 released May 3, 2000, the Colorado Public Utilities Commission (PUC) is electing to take primary responsibility for resolving Colorado consumers' slamming complaints as of November 28, 2000, the effective date of the FCC's modified unauthorized carrier change rules. The information to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

**Complaint Process**

**Method of Filing:** Consumers may contact the Colorado Public Utilities Commission regarding their slamming complaints by letter, fax, e-mail message or telephone call to the Commission.

**Location of Filing:****Mailing Address:**

Colorado Public Utilities Commission  
External Affairs Section  
1580 Logan St., OL2  
Denver, CO 80203

Toll-free consumer complaints: 1-800-456-0858  
Denver metro consumer hotline: 303-894-2070  
Fax phone number: 303-894-2065  
E-mail message for complaints: [PUCConsumer.Complaints@dora.state.co.us](mailto:PUCConsumer.Complaints@dora.state.co.us)

1580 Logan Street, Office Level 2, Denver, Colorado 80203, 303-894-2000

[www.dora.state.co.us/puc](http://www.dora.state.co.us/puc)  
Permit and Insurance (Outside Denver) 1-800-888-0170  
TTY Users 1-800-659-2656 (Relay Colorado)  
Consumer Affairs 303-894-2070

Consumer Affairs (Outside Denver) 1-800-456-0858  
Hearing Information 303-894-2025  
Transportation Fax 303-894-2071  
Fax 303-894-2065

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*Filing Fees:* None

*Documentation Consumer Must Provide:* The consumer must provide his/her name, address, telephone number and a brief description of the complaint and a copy of the page of the telephone bill that contains the alleged unauthorized carrier's charges. The complaint is still investigated even if a copy of the telephone bill is not provided by the customer. A staff member will contact the alleged unauthorized carrier and request telephone bill details and proof that, prior to switching the consumer, the carrier obtained authorization from the consumer.

*Procedure (Safeguards, Deadlines, Appeal Rights):* Upon receipt of a written or oral complaint, and with the customer's authorization, the complaint is forwarded to the alleged unauthorized carrier to respond to the complaint investigator within 10 business days. Upon receipt of the carrier's proof of authorization which, in our experience, is either a tape-recorded independent third-party verification or a letter of authorization (LOA), the complaint investigator listens to the tape or reads the LOA in order to determine if the verification complies with PUC rules. Any evidence supplied by the consumer is also taken into account. It is our experience that for the most part, the carriers do not provide us any proof of authorization, and instead agree to just pay the remedies to the customer. When that doesn't occur, if the investigator determines the carrier verification provided by the carrier complies with state law, the consumer is notified that the PUC has found that no slam occurred. If the investigator determines the verification does not comply with the PUC requirements or the carrier fails to provide proof of authorization, the investigator determines that a slam did occur. The state PUC remedies exceed the FCC rules. If the carrier or consumer is not satisfied with the informal resolution of a slamming complaint, either could file a formal complaint requesting a hearing before an Administrative Law Judge at the PUC. If the carrier or consumer is not satisfied with the order issued by the Administrative Law Judge, exceptions can be filed. Exceptions will be acted upon by the Commission. If the carrier or customer is not satisfied with the Commission decision, a motion for rehearing, reargument and reconsideration can be filed, or an appeal filed in court.

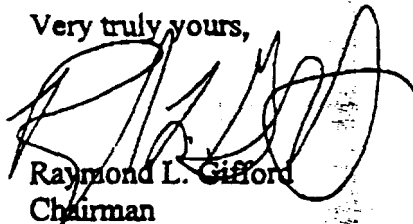
*FCC-State Coordination: Reporting:* The staff of the PUC's External Affairs Section enters each slamming complaint that is investigated into a complaints database. In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

*Coordination:* The primary contact for the FCC for coordination of FCC complaint referrals and state reporting is Barbara Fernandez, External Affairs Manager, 1580 Logan St., OL2, Denver, CO 80203; telephone 303-894-2012, fax 303-894-2065, e-mail: [barbara.fernandez@dora.state.co.us](mailto:barbara.fernandez@dora.state.co.us).

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The Colorado PUC looks forward to working with the FCC to eradicate slamming altogether.

Very truly yours,



Raymond L. Gifford  
Chairman



Robert J. Hix  
Commissioner



Polly Page  
Commissioner